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November 5, 2021

BY ECF AND EMAIL

Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: TrackThings LLC v. NETGEAR, Inc., No. 1:21-cv-05440 (KPF)

Dear Judge Failla:

We write on behalf of Defendant NETGEAR, Inc. (“NETGEAR”) in accordance with Your Honor’s Individual Rules 9B and 9C to seal portions of NETGEAR’s Memorandum in Support of its Motion to Dismiss for Improper Venue or, in the Alternative, Transfer and to seal all of Exhibits A and C-G, attached to Paul Friday’s Declaration in Support of NETGEAR’s Motion.

On page 11, NETGEAR’s Memorandum quotes from Exhibits F and G, which, along with Exhibits A, C, D, and E, are agreements between NETGEAR and third parties that contain notice and confidentiality provisions. NETGEAR has narrowly redacted only the quotations from the confidential agreements from its Memorandum. Pursuant to the confidentiality provisions in Exhibits A and C-G as well as requests from the third parties, NETGEAR respectfully requests that these exhibits be sealed in their entirety.

Per the Southern District of New York Electronic Case Filing Rules & Instructions §§ 6.5(a) and 6.9, NETGEAR respectfully submits that the Viewing Level to be applied to the unredacted copies of NETGEAR’s Memorandum and Exhibits A and C-G filed contemporaneously with this letter should be “Selected Parties”—that is, limited to counsel appearing for NETGEAR and Plaintiff TrackThings LLC, as well as court personnel. Plaintiff’s attorneys have agreed to treat Exhibits A and C-G accordingly.

Sincerely,

/s/ Joseph M. Drayton
Joseph M. Drayton

Counsel for Defendant NETGEAR, Inc.

Application GRANTED. The redacted portions of Defendant's materials referenced above may be filed under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the pending motion at docket entry 36.

Date: November 8, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE